<u>REMARKS</u>

The present amendment is in response to the Office Action dated April 4, 2008. Claims 1-3, 6-19, 21-27, 29-33 and 35-37 are now present in this case. By this amendment, claims 1, 3, 6-19, 21-24, 26, 27, 29, and 30 have been amended, claim 34 has been canceled, and new claims 35-37 have been added.

Claim 1 was objected to because the claim lacked an antecedent basis for "the mobile wireless communication network." An appropriate correction has been made to the claim.

Claims 1-3, 6-19, 21-27, and 29-33 stand rejected as either anticipated or rendered obvious by U.S. Patent No. 5,956,636 issued to Lipsit. Lipsit teaches fully preprogramming a wireless device 30 with all the NAM parameters or their functional equivalent, so that, when the wireless device is sent to the recipient no further programming of the wireless device 30 is required. (Column 3, lines 51-56.) A customer who wishes to subscribe to a wireless communication service, <u>calls</u> a subscription service that opens an account for the customer by requesting the typical information such as, name, billing address, payment method, and assent to terms and conditions of service. (Column 6, lines 39-46.) The subscription service provider then tells the customer to expect <u>delivery</u> of the wireless device. (Column 6, lines 46-48.) In other words, Lipsit teaches the customer provides personal information to the wireless communication service <u>before</u> receiving the wireless device.

The service provider or the wireless device supplier 32, provides a security code (which in some embodiments is the ESN of the device) to the customer using a different method of delivery than that used for the wireless device. (Column 6, lines 49-65.) For example, the security code may be provided by a phone call from, overnight delivery, fax, or E-mail. *Id.* After the customer receives the wireless device, the customer <u>dials a dedicated number</u> using the non-activated wireless device 30. (Column 7, lines 9-11.) An Activation Unit 42 prompts the user for the security code using "voice response capability," which the customer inputs. Then, depending upon the embodiment, the customer may also be prompted to provide the Mobile Identification Number ("MIN") and/or Equipment Serial Number ("ESN"). The Activation

Unit 42 locates an activation record associated with the mobile device using the MIN or the security code. If the correct security code was provided by the customer, the wireless device is activated by changing the status of a flag 48c in the activation record associated with the mobile device. (Column 7, lines 30-38).

In essence, Lipsit teaches dialing a dedicated number, prompting a customer using voice response capability to input a security code, MIN, and ESN, and using the input values to (1) access an activation record (2) populate the activation record with the MIN and/or ESN, and (3) change the status of the flag 48c. Lipsit does not teach receiving personal information from the mobile device or using that information to determine whether to provision services for the wireless device. Instead, Lipsit teaches activating a wireless device, for which services have already been provisioned, based on the entry of the correct security code.

Amended independent claim 1 recites one or more computer readable media comprising computer executable instructions for receiving subscriber personal information from the mobile wireless device and based on the subscriber personal information received, automatically determining whether to provision services for the mobile wireless device. As explained above, Lipsit does not teach these elements of claim 1. Further, because Lipsit teaches that the wireless device is preprogrammed before delivery to the customer following a call to a subscription service during which the customer provides his/her personal information, Lipsit provides no suggestion or motivation for these elements of claim 1. Therefore, Lipsit fails to anticipate or render obvious the inventions of claim 1 and claims 2, 3, 6-18 that depend from claim 1.

Amended independent claim 19 recites a method that includes receiving subscriber personal information from the mobile wireless device and based on the subscriber personal information received, automatically determining whether to provision services for the mobile wireless device. As explained above, Lipsit does not teach these elements of claim 19 and also fails to provide any suggestion or motivation for such elements. Therefore, Lipsit fails to anticipate or render obvious the invention of claim 19.

Amended independent claim 21 recites an automated activation and provisioning system including means for receiving wireless communications from the

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mobile wireless device, the wireless communications comprising an indication of the desired services and subscriber personal information. The system also includes means for determining whether to provision the desired services for the mobile wireless device based on the personal information received from the mobile wireless device. As explained above, Lipsit does not teach either means for receiving personal information or means for determining whether to provision the desired services based on the personal information. Further, the reference provides no suggestion or motivation for these elements of claim 21. Therefore, Lipsit fails to anticipate or render obvious the invention of claim 21.

Amended independent claim 22 recites one or more computer readable media comprising instructions for receiving user personal information associated with a user from an unactivated mobile wireless device, and based on the user personal information received, automatically determining whether to provision services for the unactivated mobile wireless device. As explained above, Lipsit fails to anticipate or render obvious these elements of claim 22.

Amended independent claim 23 recites a method including establishing a wireless connection between the unactivated mobile wireless device and a user interface generator operable to receive from the unactivated mobile wireless device both an indication of services desired, and user personal information associated with a user of the mobile wireless device. The method also includes automatically determining whether to activate the unactivated mobile wireless device based on the personal information received. As explained above, Lipsit fails to anticipate or render obvious these elements of claim 23.

Amended independent claim 24 recites a method of distributing a mobile wireless device. The method includes directing the unactivated mobile wireless device to a Uniform Resource Locator ("URL") configured to provide an interface to an automated system. The method also includes upon receipt of the indicia in the automated system via the interface provided by the URL, activating the mobile wireless device. Receipt of the indicia is achieved by displaying the interface provided by the URL in a web browser interface or a user interface of the mobile wireless device. Lipsit is silent with respect to using a URL to activate the wireless device. Instead, Lipsit

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teaches using two voice calls: one to a subscription service and the other to a voice response capability. Further, Lipsit fails to teach or suggest directing the unactivated mobile wireless device to a URL. Therefore, Lipsit fails to anticipate or render obvious the inventions of claim 24 and claims 25 and 26 that depend from claim 24.

Amended independent claim 27 recites a method that includes accepting input from a user of the unactivated mobile wireless device, the input specifying a plurality of selected service options related to activation. As explained above, Lipsit teaches receiving only the security code, MIN, and ESN. None of these parameters constitutes a plurality of selected service options related to activation. In fact, Lipsit is silent with respect to the selection of service options during the activation call (which occurs after the device is received by the customer). Again, because the device arrives preprogrammed, Lipsit provides no suggestion or motivation to provide service options to the customer during the activation call. Therefore, Lipsit fails to anticipate or render obvious the invention of claim 27.

Amended independent claim 29 recites a method that includes receiving at least one activation directive originating from the mobile wireless device, and receiving at least one activation directive originating from a non-wireless web browser system. While Lipsit mentions e-mail and internet-specific devices for wireless internet access/communication. (Column 2, lines 59-63.) Lipsit teaches "[s]uch devices or their analogues are also contemplated to be wireless communication devices as defined herein." *Id.* Lipsit does not teach or suggest receiving activation directives from a non-wireless web browser system. Therefore, Lipsit teaches receiving information from the users of such devices via two telephone calls and not from a non-wireless web browser system. Therefore, Lipsit fails to anticipate or render obvious the invention of claim 29.

Amended independent claim 30 recites a method that includes presenting a series of user interfaces at a wireless mobile device, the user interfaces comprising a user interface for selecting voice services, and receiving user selections from the user interfaces presented at the wireless mobile device. As discussed above, Lipsit does not disclose presenting a series of user interfaces at the wireless device. Instead, the reference teaches using voice response capability. Further, Lipsit does not teach

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receiving customer selections via user interfaces presented at the wireless mobile device. Instead, the reference teaches receiving the security code, MIN, and ESN from the wireless device. Therefore, Lipsit fails to anticipate or render obvious the inventions of claim 30 and claims 31-33 that depend from claim 30.

In view of the above, Applicant respectfully requests withdrawal of the rejections of claims 1-3, 6-19, 21-27, and 29-33 based on Lipsit.

New Claims

New claims 35 and 36 depend from claim 1 and are allowable over Lipsit for at least the reasons claim 1 is allowable over the reference. Further, claim 35 recites performing a credit check using the subscriber personal information. While Lipsit is silent with respect to performing a credit check, Applicant notes that information required for such a check is provided during the call to the subscription service that occurs <u>before</u> the wireless device is delivered to the customer.

Claim 36 recites presenting terms and conditions for payment related to the one or more subscriber-desired services to the mobile wireless device, receiving an indication of acceptance of the terms and conditions for payment from the mobile wireless device, and conditioning the provisioning for the one or more subscriber-desired services on the receipt of the indication of acceptance of the terms and conditions for payment from the mobile wireless device. Lipsit teaches receiving "assent to terms and conditions of service" during the call to the subscription service that occurs <u>before</u> the wireless device is delivered to the customer.

New claims 37 depends from claim 30 and is allowable over Lipsit for at least the reasons claim 30 is allowable over the reference. Additionally, claim 37 recites the user interfaces comprise a user interface for selecting a rate plan from amongst a plurality of rate plans. Lipsit is silent with respect to receiving customer selections including the selection of a rate plan.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant has made a good faith effort to place all claims in condition for allowance. Commissioner is hereby authorized to charge any required fees believed necessary or credit any overpayment to

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Deposit Account No. 04 0258. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8021.

Respectfully submitted,

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